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January 5, 2012

BY ECF AND FEDERAL EXPRESS

Honorable Michael A. Hammer, U.S.M.J.
United States District Court
Martin Luther King, Jr. Federal Building
and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: **In re LG Front Load Washing Machine Class Action
Litigation
Civil Action No. 08 CV 51 (FSH)(MAH)**

Dear Judge Hammer:

This firm represents Defendant LG Electronics USA, Inc. ("LG USA") in the above-referenced matter. We are writing to respectfully request that Your Honor enter an Order directing the Clerk's office to formally consolidate a related matter, *Cirillo v. LG Electronics, U.S.A., Inc.*, Civil Action No. 12 CV 75, into the above-referenced matter.

On January 4, 2012, the Honorable Janis L. Sammartino, U.S.D.J., of the United States District Court for the Southern District of California, entered an Order transferring the *Cirillo* matter to this Court. Upon transfer, the Clerk's Office assigned the docket number 12 CV 75 and assigned the matter to Judge Hochberg and Your Honor. (See Exhibit A, attached.)

Thus, pursuant to paragraph A.1 of the March 24, 2008 Order Consolidating Matters, (docket entry no. 16), the *Cirillo* matter is to be automatically consolidated into the above-referenced action. (See Exhibit B, attached.) We have enclosed a proposed form of Order consolidating the *Cirillo* matter with the above-referenced matter. If the enclosed proposed form of Order meets with Your Honor's approval, we respectfully request that it be entered.

BEIJING

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CHICAGO

GENEVA

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LONDON

LOS ANGELES

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WASHINGTON, D.C.

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January 5, 2012
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Should Your Honor have any questions or require anything further, please do not hesitate to contact the undersigned.

Respectfully submitted,

s/ Melissa Steedle Bogad

Melissa Steedle Bogad

Enclosures

cc: All Counsel (by e-mail) (w/encls.)

EXHIBIT A

U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:12-cv-00075-FSH-MAH

Cirillo v. LG Electronics, U.S.A., Inc. et al
Assigned to: Judge Faith S. Hochberg
Referred to: Magistrate Judge Michael A. Hammer
Case in other court: California Southern, 3:11-cv-02581
Cause: 28:1332 Diversity-Property Damage

Date Filed: 01/05/2012
Jury Demand: None
Nature of Suit: 385 Prop. Damage Prod.
Liability
Jurisdiction: Diversity

Plaintiff

Nancy Cirillo
for herself and All Others Similarly Situated

V.

Defendant

LG ELECTRONICS, U.S.A., INC.

Defendant

DOES
1 through 20, inclusive

Date Filed	#	Docket Text
11/04/2011	<u>1</u>	NOTICE OF REMOVAL from Superior Court of the State of California, In and For the County of San Diego, case number 37-2011-00098638-CU-BT-CTL T/W Civil Cover Sheet. (Filing fee \$ 350 receipt number 0974-4141191). Filed by LG Electronics, U.S.A., Inc.. (Attachments: # <u>1</u> Exhibit A - State Court Complaint, # <u>2</u> Declaration of Carolin Sahimi, # <u>3</u> Declaration of Sung Han Kim, # <u>4</u> Proof of Service) The new case number is 3:11-cv-2581-JLS-RBB. Judge Janis L. Sammartino and Magistrate Judge Ruben B. Brooks are assigned to the case. (Sahimi, Carolin)(ATTY MAINT)(sjt) (av1). (Entered: 11/07/2011)
11/08/2011	<u>2</u>	MOTION for Change Venue to <i>United States District Court for the District of New Jersey</i> by LG Electronics, U.S.A., Inc.. (Attachments: # <u>1</u> Memo of Points and Authorities Memorandum of Law and Authorities in Support of Motion to Transfer Venue to the District of New Jersey, # <u>2</u> Declaration Declaration of Carolin Sahimi in Support of Motion to Transfer, # <u>3</u> Declaration Declaration of Sung Han Kim in Support of Motion to Transfer)(Sahimi, Carolin) (lmt). (Entered: 11/08/2011)
11/08/2011	<u>3</u>	Corporate Disclosure Statement by LG Electronics, U.S.A., Inc. identifying Corporate Parent LG Electronics Inc for LG Electronics, U.S.A., Inc... (Sahimi, Carolin) (lmt). (Entered: 11/08/2011)

11/08/2011	<u>4</u>	NOTICE OF RELATED CASE(S) by LG Electronics, U.S.A., Inc. (Sahimi, Carolin) (no low number order prepared) (lmt). (Entered: 11/08/2011)
11/09/2011	<u>5</u>	CERTIFICATE OF SERVICE by LG Electronics, U.S.A., Inc. <i>of Removal Documents Filed with Superior Court</i> (Sahimi, Carolin) (lmt). (Entered: 11/09/2011)
11/09/2011	<u>6</u>	ORDER Setting Briefing Schedule as to <u>2</u> MOTION for Change Venue to United States District Court for the District of New Jersey: Opposition due by 12/8/2011 and Reply due by 12/15/2011. Signed by Judge Janis L. Sammartino on 11/9/11.(lmt) (jcj). (Entered: 11/09/2011)
01/04/2012	<u>7</u>	Case transferred to District of New Jersey. Files transferred electronically to: *District of New Jersey*. *50 Walnut Street Room 4015**Newark, NJ 07101*. Signed by Judge Janis L. Sammartino on 1/4/12. (lmt) (Additional attachment(s) added on 1/4/2012: # <u>1</u> Transfer Order) (lmt). (Entered: 01/04/2012)
01/05/2012	<u>8</u>	Certified Copy of Transfer Order and docket received, Case transferred in from District of California Southern; Case Number 3:11-cv-02581. Original file certified copy of transfer order and docket sheet received. (Entered: 01/05/2012)
01/05/2012		Judge Faith S. Hochberg and Magistrate Judge Michael A. Hammer added. (jr) (Entered: 01/05/2012)

PACER Service Center			
Transaction Receipt			
01/05/2012 12:27:55			
PACER Login:	ws0010	Client Code:	004578.00093-15029
Description:	Docket Report	Search Criteria:	2:12-cv-00075-FSH-MAH Start date: 1/1/1970 End date: 1/5/2012
Billable Pages:	2	Cost:	0.16

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

03 20 2008

JASON HARPER and GINA HARPER, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

LG ELECTRONICS USA, INC., a New Jersey
corporation,

Defendant.

Honorable Faith S. Hochberg, U.S.D.J.

Civil Action No. 08 CV 51 (FSH)(MAS)

ORDER CONSOLIDATING MATTERS

MARCIAL FIGUERO, on behalf of herself and
all others similarly situated,

Plaintiff,

vs.

LG ELECTRONICS USA, INC., a New Jersey
corporation,

Defendant.

Honorable Faith S. Hochberg, U.S.D.J.

Civil Action No. 08 CV 479 (FSH)(PS)

JILL BURKE, on behalf of herself and all others similarly situated,	:	Honorable Faith S. Hochberg, U.S.D.J.
	:	
	:	Civil Action No. 08 CV 786 (FSH)(MAS)
	:	
Plaintiff,	:	

vs.

LG ELECTRONICS USA, INC., a New Jersey corporation,	:
	:
Defendant.	:

LYLA BOONE , on behalf of herself and all others similarly situated,	:	Honorable Faith S. Hochberg, U.S.D.J.
	:	
	:	Civil Action No. 08 CV 787 (FSH)(MAS)
	:	
Plaintiff,	:	

vs.

LG ELECTRONICS USA, INC., a New Jersey corporation,	:
	:
Defendant.	:

THIS MATTER, being opened to the Court by Counsel for Plaintiffs in the actions referenced above and Counsel for Defendant, LG Electronics, USA, Inc. ("LG") by way of a proposed Consent Order consolidating these actions; and

WHEREAS, each of the four (4) above-captioned actions pending in this Court (collectively, the "Actions") assert claims against LG related to the alleged accumulation of mold and mildew in certain LG brand front-loading washing machines; and

WHEREAS, in an effort to effectively manage this litigation and move this litigation forward in an efficient manner, Plaintiffs' Counsel in each of these Actions and counsel for LG have agreed and stipulated to the consolidation of all these actions, and the case management structure set forth below; and for good cause shown;

IT IS on this 20th day of March ~~April~~ 2008,

ORDERED, as follows:

A. Consolidation of the Actions.

1. Each of the above-listed actions and all other actions subsequently filed in or transferred to this Court that assert claims on a class-wide basis arising from or relating to the operative facts and allegations contained in the complaints are hereby consolidated (the "Consolidated Action") for all purposes pursuant to FED. R. CIV. P. 42(a).

2. A Master Docket and a Master File are hereby established for the Consolidated Action as follows:

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE LG FRONT LOAD WASHING
MACHINE CLASS ACTION
LITIGATION**

Case No. 2:08-cv-00051-FSH-MAS

3. All papers hereafter filed in the Consolidated Action shall bear the caption above.

4. When a case which relates to the subject matter of the Consolidated Action is hereafter filed in this Court or transferred to this Court from another Court, the Clerk of Court shall:

a. Make an appropriate entry in the Master Docket;

- b. Mail a copy of this Order to the attorneys for the plaintiffs in the newly-filed or transferred case, and to the attorneys for any new defendants named in the newly filed or transferred case; and
- c. Mail a copy of the Order of assignment to counsel for plaintiffs and counsel for defendants in the Consolidated Action.

The Court requests the assistance of counsel in calling to the attention of the Clerk of Court the filing or transfer of any case that might properly be consolidated with the Consolidated Action.

5. This Order shall apply to each case subsequently filed in this Court or transferred to this Court unless a party objecting to the consolidation of such case or to any other provision of this Order shall, within twenty-one (21) days after the date upon which a copy of this Order is mailed to counsel for such party, file an application for relief from this Order or any provision herein, and this Court deems it appropriate to grant such application.

6. The terms of this Order shall not have the effect of making any person, firm, or entity a party to any action in which he, she, or it has not been properly named, served, or joined in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the consolidation ordered herein shall not constitute a waiver by any party of any claims in or defenses to any of the actions, including defenses based on personal jurisdiction.

B. Privileges Preserved.

No communication among plaintiffs' counsel or among defendant's counsel shall be taken as waiver of any privilege or protection to which they would otherwise be entitled.

C. Filing of a Consolidated Amended Complaint.

1. Plaintiffs shall file a Consolidated Amended Complaint in the Consolidated Actions within forty-five (45) days following the entry of this Order. This Consolidated Amended Complaint shall be the operative complaint in the Consolidated Action.

2. Defendants shall answer, move or otherwise plead in response to the Consolidated Amended Complaint forty-five (45) days after the date on which the Consolidated Amended Complaint is filed. Defendants will respond only to the Consolidated Amended Complaint, and shall not be required to respond separately to any action affected by this order and consolidated with this case.



Honorable Faith S. Hochberg, U.S.D.J.

Michael A. Shipp
United States Magistrate Judge

The undersigned hereby consent to the form and entry of this Order:

//s// Joseph G. Sauder

Joseph G. Sauder
CHIMICLES & TIKELLIS LLP
361 W. Lancaster Avenue
Harverford, PA 19041

//s// Oren Giskan

Oren Giskan
GISKAN SOLOTAROFF ANDERSON, LLP
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//s// Ronald S. Kravits

Ronald S. Kravits
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//s//Jacqueline Sailer

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//s//Michael Boni

Michael Boni
BONI & ZACK LLC
15 St. Asaphs Road
Bala Cynwyd, PA 19004
Tel. 610.822.0200

On Behalf of All Plaintiffs in the Consolidated Actions

//s//James S. Richter

James S. Richter
Winston & Strawn LLP
One Riverfront Plaza, 7th Floor
Newark, New Jersey 07102

On Behalf of Defendant LG Electronics USA, Inc.

WINSTON & STRAWN LLP
The Legal Center
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Newark, New Jersey 07102
(973) 848-7676
James S. Richter
Melissa Steedle Bogad

Attorneys for Defendant
LG Electronics USA, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

_____	x	
	:	
IN RE LG FRONT LOAD WASHING	:	Honorable Faith S. Hochberg, U.S.D.J.
MACHINE CLASS ACTION	:	
LITIGATION	:	Case No. 2:08-cv-00051-FSH-MAH
	:	
	:	
	:	ORDER CONSOLIDATING MATTERS
	:	
	:	
	:	
_____	x	
	:	
NANCY CIRILLO, for herself and All Others	:	Honorable Faith S. Hochberg, U.S.D.J.
Similarly Situated,	:	
Plaintiff	:	Case No. 2:12-cv-00075-FSH-MAH
	:	
vs.	:	
	:	
LG ELECTRONICS, U.S.A., INC.	:	
and DOES, 1 through 20, inclusive,	:	
Defendants.	:	
_____	x	

THIS MATTER, being opened to the Court by Winston & Strawn LLP, attorneys for Defendant, LG Electronics USA, Inc. ("LG USA") in the actions referenced above, by way of a proposed Order consolidating these actions, and for good cause shown,

IT IS on this _____ day of _____, 2012,

ORDERED, as follows:

1. Pursuant to paragraph A.1 of the Court's March 24, 2008 Order Consolidating Matters (docket entry no. 16), the above-captioned action bearing docket no. 12 CV 75 is hereby consolidated with the Consolidated Action, *In re LG Front Load Washing Machine Class Action Litigation*, 08 CV 51 (FSH) (MAH).

Honorable Michael A. Hammer, U.S.M.J.